UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,534	07/10/2006	Sylvain Dumet	PF040016	5931

24498   7590   01/27/2010
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EXAMINER
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ART UNIT	PAPER NUMBER
2467	

MAIL DATE	DELIVERY MODE
01/27/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/585,534	DUMET ET AL.
	Examiner	Art Unit	
	MARCUS R. SMITH	2467	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10/26/09</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-11</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6 and 8-11</u> is/are rejected.

7) ☒ Claim(s) <u>7</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a) ☐ All b) ☐ Some * c) ☐ None of:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____.

    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on 10/26/09 has been considered but is ineffective to

overcome the previous prior art references.

Claim Objections

2.   Claim 10 objected to because of the following informalities: Claim 10 teaches that

the synchronizing data is from a second network, while a router intercepts a message

from a first network directed to the second network. However, figure 3 of applicant's

specification teaches that the synchronizing data (SYNC) is actually coming from the

home computer (step 5) and the home computer is also sends the message that is

intercept a router (step 3).Thus a person skilled in the art would view the sync and data

messages are from the same network, not two different networks. Appropriate

correction is required.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. . In accordance with the new USPTO's "Interim Patent

Subject Matter Eligibility Examination Instructions" issued on August 24, 2009, 101

rejections will be applied if the claimed computer readable medium (even storage

medium, for example) is not clearly defined to exclude non-statutory transitory media

such as signals or transmission media. The 101 rejection can be overcome if the claim

recites non-transitory media AND the specification is amended to recite that the media

is non-transitory media.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 4-6, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Heitmann (US 7,190,703).

With regard to claims 1 and 10, Heitmann teaches (see figures 1 and 2: columns

5 and 6): Time synchronizing device for synchronizing a router arranged between first

and second communication networks, said synchronizing device comprising: receiving

(network interface, NS) means for receiving synchronizing data based on a reference

time clock (ZI1, real time information from VE: column 5, lines 60-67), and exploiting

(clock adjustment device, ZJ) means for exploiting said synchronizing data (SYNC) so

as to synchronize a local time clock used by said router with respect to said reference

time clock (column 6, lines 1-15), wherein said time synchronizing device comprises:

intercepting (EE, receiving device) means for intercepting at least one message (MSG)

(KD1,) coming from at least one apparatus (VE) being a point said first network (wired network), and directed to the second network (wireless network), said apparatus having a specific time clock (VE has a RTC, column 4, lines 20-30), preparing means for preparing a time request (ZA1) intended for said apparatus (column 5, lines 55-65), said time request being able to be executed in said apparatus so as to cause said synchronizing data based on said specific time clock to be obtained from said apparatus and to be transmitted back to said synchronizing device (see column 5, lines 55-67 to column 6, lines 1-15), sending means for sending said time request to said apparatus (network interface, column 5, lines 55-65) , and forwarding (DECT) means for forwarding said intercepted message (MSG) to said second network after the preparing means have prepared said time request (column 6, lines 43-60: the KD1 is sent out until the ZTG is correct.), said receiving means being intended to receive said synchronizing data from said apparatus and said exploiting means being able to exploit said synchronizing data so as to synchronize said local time clock with respect to said specific time clock, said receiving means, exploiting means, intercepting means, preparing means, sending means and forwarding means forming an operational set (see figure 2).

With regard to claim 4, Heitmann teaches: wherein said forwarding means are intended to forward said intercepted message to said target network only after the exploiting means have exploited said synchronizing data obtained from said apparatus by means of said time request (ZTG is based on ZI1 information, so thus the packet has

to be sent after the ZI1 information is received at the base station. column 6, lines 24-

35, and 43-60).

With regard to claim 5, Heitmann teaches: wherein said preparing means are

able to prepare said time request for getting at least one of synchronizing data time

zone and daylight saving time information (column 4, lines 25-30: the examiner views

the world time information as time zone information.).

With regard to claim 6, Heitmann teaches: wherein said time synchronizing

device comprises updating means for periodically updating said synchronizing data so

as to synchronize said local time clock, by periodically activating said operational set,

said updating means being preferably intended for using as said intercepted message

for each of said updating periods, the first message received from said first

communication network during said updating period (see column 5, lines 55-67 to

column 6, lines 1-15).

With regard to claim 11, Heitmann teaches: Computer program product

comprising program code instructions for the execution of the process according to

claim 10 when said program is executed on a computer having storing space for said

program (column 5, lines 35-40).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 2, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Heitmann in view of Godfrey et al. (US 2004/0205330).

        With regard to claim 8,

        Heitmann fails to disclose local gateway intended to be arranged between a LAN

and a WAN and to enable communication in both directions between the LAN and the

WAN, said local gateway comprising: a LAN interface for communication with the LAN,a

WAN interface for communication with the WAN. Heitmann only disclose a base station

arranged in between LAN and air interface. However, Godfrey teaches a wireless

connector system that is arranged between WAN and LAN. Godfrey's wireless

connector system is also designed to synchronize the data information between

networks (see figure 22, page 22, paragraph 185). Therefore, it would have been

obvious to one having ordinary skill in the art at the time invention was made to the

wireless connector system can be used to connect the WAN to LAN for synchronization

of information as taught by Godfrey for the base station in Heitmann in order to supply a

larger area with connection capabilities (Heitmann column 1, lines 20-30).

        With regard to the rest of claim 8, Heitmann and Godfrey teaches, a local

gateway time clock (Heitmann, column 5),and synchronizing means for synchronizing

said local gateway time clock with respect to a reference time clock, by means of

synchronizing data received by said local gateway (column 5),wherein in that said

synchronizing means comprise a time synchronizing device compliant with claim 1 for

synchronizing said local gateway, said source and target networks being respectively

the LAN (4) and the WAN for all intercepted messages, and said apparatus used for

synchronizing being thus at least one point of said LAN (Thus the Base station of

Heitmann can be connected to VE through a WAN interface and mobile device through

an LAN air interface.).

With regard to claim 9, Heitmann and Godfrey teaches: wherein said

synchronizing means is also able to synchronize said local gateway time clock with

respect to a global time clock (RTC) available from a timeserver (VE) of the WAN

(Heitmann: column 5, lines 55-67).

With regard to claim 2, Heitmann and Godfrey teaches: wherein said intercepting

means is intended to intercept said message and said receiving means is intended to

receive and extract said synchronizing data in compliance with HTTP protocol (Godfrey,

page 22, paragraph 185).

8.   Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Heitmann in view of Burkes et al. (US 6,915,353).

With regard to claim 3, Heitmann teaches: wherein said preparing means are

intended to prepare the time requests in the form of executable scripts, preferably

based on the Java language (column 5, lines 35-40. Since the components that

generates the time request can be a software module.)

Heitmann fails to disclose that time request is a script (software) preferably

based on the Java. Burkes teaches system that calibrates time for a computer from an

internet (network) server based a Network Time Protocol (column 3, lines 15-60).

Burkes system uses calibration time routine (time request) from computer to network

server by executed a Java application (column 4, lines 20-50). Therefore, it would have

been obvious to one having ordinary skill in the art at the time invention was made to

have use Java application for calibration time routine as taught by Burkes for sending

time requests in system of Heitmann in order to improve accuracy (column 6, lines 35-

43).

Allowable Subject Matter

9.   Claim 7 is objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Response to Arguments

10.   Applicant's arguments filed 10/26/09 have been fully considered but they are not

persuasive.

With regard to claim 1, the examiner disagree with the applicant that Heitmann

fails to disclose suggest intercepting (means) for intercepting at least one message

(MSG) coming from at least one apparatus being a point of the first network and

directed to the second network, the apparatus having a specific time clock and

forwarding (means) for forwarding the intercepted message to the second network after

the preparing (means) has prepared the time request. Heitmann teaches a base station

that receives (intercepts) a message (KD1) from a VE on wired (first) network directed

to a mobile device on a wireless (second) network (see figure 1). Heitmann teaches at

base station as clock (CLK) which can be views a specific time clock (see figure). In

column 6 of Heitmann states that KD1 message is not sent (forward) until the clock

frequency is stabilized (ZTG: lines 40-50). In order to stabilize the clock, the base

station transmits a time request message (ZA1) (column 5, lines 55-67). Thus the KD1

message is sent to the mobile station in wireless network after the base station sends

the time request message to the VE in wired network.

With regard to claims 2, 4-6, and 8-11, the examiner maintains rejections for

reasons listed in claim 1.

Applicant's arguments with respect to claim 3 have been considered but are moot

in view of the new ground(s) of rejection.

With regard to 101 rejection of claim 11, the examiner thanks the applicant for

amending the specifications. However, under new USPTO's "Interim Patent Subject

Matter Eligibility Examination Instructions" issued on August 24, 2009, the office views

any computer readable medium or storage device as non-statutory subject matter since

computer readable medium could be implicitly viewed as signals or transmission media.

Thus, computer readable medium or storage device will need state that it's non-

transitory, to overcome the 101 rejection.

< http://www.uspto.gov/web/offices/pac/dapp/opla/2009-08-

25_interim_101_instructions.pdf > (see page 21 of 30 of the complete file, which is page

10 on the PowerPoint presentation, example claim 3).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MARCUS R. SMITH whose telephone number is

(571)270-1096. The examiner can normally be reached on Mon-Thurs: 7:30 am - 5:00

p.m. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 1/15/10
/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2467